

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTIETH LEGISLATURE

TWENTY-FIFTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 4, 2010

House of Representatives

The House convened at 11:30 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused – Labrador, Palmer. Total – 2.

Total – 70.

Prayer was offered by Guest Pastor Gary Moore.

The Pledge of Allegiance was led by Spencer Brown, Page.

Approval of Journal

February 4, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-fourth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

Report of Standing Committees

February 4, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HJM 10](#), [HP 3](#), [H 464](#), [H 465](#), [H 466](#), [H 467](#), [H 468](#), [H 469](#), [H 470](#), [H 471](#), and [H 472](#).

CLARK, Chairman

[HJM 10](#) was referred to the Transportation and Defense Committee.

[H 464](#), [H 465](#), [H 466](#), and [H 467](#) were referred to the Agricultural Affairs Committee.

[H 468](#), [H 469](#), and [H 470](#) were referred to the Health and Welfare Committee.

[H 471](#) and [H 472](#) were referred to the Revenue and Taxation Committee.

[HP 3](#) was filed for second reading.

February 3, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 421](#) and [H 422](#) and recommend that they do pass.

CLARK, Chairman

[H 421](#) and [H 422](#) were filed for second reading.

February 3, 2010

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 430](#) and [H 432](#) and recommend that they do pass.

BLACK, Chairman

[H 430](#) and [H 432](#) were filed for second reading.

February 3, 2010

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, request that [H 459](#), [H 460](#), [H 461](#), and [H 462](#) be returned to the Desk for re-referral.

LOERTSCHER, Chairman

[H 459](#), [H 460](#), [H 461](#), and [H 462](#) were referred to the Business committee.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 37

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND COMMENDING THE FOOTBALL TEAM AND COACHES OF THE UNIVERSITY OF IDAHO.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the University of Idaho is the state of Idaho's flagship and oldest public university and is the state's land-grant and primary research university; and

WHEREAS, on January 30, 1889, Governor Edward Stevenson of the Idaho Territory signed the territorial legislature's Council Bill No. 20, which officially established the University of Idaho as the upcoming state's land-grant institution and nearly four years later, the university opened for classes on October 3, 1892; and

WHEREAS, soon after being named head coach in 2007, Coach Robb Akey was forced to dismiss several players from the University of Idaho team for violations of law or violations of team rules; and

WHEREAS, the 2007 and 2008 Idaho teams were both listed on ESPN's Bottom Ten List, a ranking of the ten worst Division I college football programs in the nation and they were also on the 2009 preseason list, but were removed after opening with a win; and

WHEREAS, the University of Idaho enjoyed a stellar and outstanding football season in 2009, defeating two Mountain West Conference teams in the process, winning the Humanitarian Bowl in thrilling fashion and capping a season few outside Vandal Nation expected as they were picked last in most preseason Western Athletic Conference polls, Idaho's bowl title comes with an 8-5 record in a most outstanding season; and

WHEREAS, the team the University of Idaho beat in the Humanitarian Bowl, Bowling Green State University, had a player, Freddie Barnes, who set a single season NCAA record with 155 pass receptions; and

WHEREAS, Head Coach Robb Akey said, "It's due to the hard work of these guys right here... I couldn't be more proud of the group of kids. To take us from where we were – three wins in two years to get us to this point right now. To be a bowl champion."; and

WHEREAS, with the win, the University of Idaho moves to 2-0 all-time in bowl games, takes its second Humanitarian Bowl title and caps off an 8-5 season that started with predictions of last-place finishes and skepticism about Coach Akey's bold predictions of success.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we commend the University of Idaho for an outstanding football season and commend Coach Robb Akey for a job well done.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to President Duane Nellis and Coach Robb Akey of the University of Idaho.

HOUSE CONCURRENT RESOLUTION NO. 38

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND PROCLAIMING JUNE, 2010, AS BOYS STATE AND GIRLS STATE MONTH.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the American Legion and the American Legion Auxiliary have sponsored Boys State and Girls State since 1935 and 1937 respectively and now have programs in every state except Hawaii; and

WHEREAS, the goal of Boys State and Girls State is to develop leadership and pride in American government and to arouse a determination to maintain our form of government; and

WHEREAS, the American Legion Boys State and the American Legion Auxiliary Girls State provide a venue for Idaho's young citizens to explore what it means to be engaged in the civic life for our state and country, as well as to develop a full understanding of American democratic traditions and a belief in the United States of America as both an ideal and a functioning social contract; and

WHEREAS, Boys State and Girls State inculcate a sense of individual obligation to the community, state and nation; and

WHEREAS, the American Legion Boys State and the American Legion Auxiliary Girls State safeguard and transmit to posterity the principles of justice, freedom and democracy.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the month of June, 2010, be proclaimed as "Boys State and Girls State Month" and that we honor the efforts of the American Legion and the American Legion Auxiliary and the young people who participate and have participated in Idaho Boys State and Idaho Girls State.

BE IT FURTHER RESOLVED a copy of this resolution be transmitted to the State Commander of the American Legion, the Department President of the American Legion Auxiliary and the respective Governors of Idaho Boys State and Idaho Girls State.

[HCR 37](#) and [HCR 38](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 473

BY BUSINESS COMMITTEE

AN ACT

RELATING TO THE DEPARTMENT OF FINANCE; AMENDING CHAPTER 27, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2702A, IDAHO CODE, TO ESTABLISH THE INVESTIGATION AND ENFORCEMENT FUND; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 474

BY BUSINESS COMMITTEE

AN ACT

RELATING TO PLUMBING SYSTEMS; AMENDING SECTION 54-2604, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 475

BY BUSINESS COMMITTEE

AN ACT

RELATING TO PLUMBING SYSTEMS; AMENDING SECTION 54-2604, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 54-2610, IDAHO CODE, TO REQUIRE THE SUCCESSFUL COMPLETION OF AN APPROVED TRAINING COURSE; AMENDING SECTION 54-2617, IDAHO CODE, TO REQUIRE THAT CERTIFICATION BE MAINTAINED; AMENDING SECTION 54-2618, IDAHO CODE, TO REQUIRE PROOF OF CERTAIN CERTIFICATION; AND AMENDING SECTION 54-2627, IDAHO CODE, TO PROVIDE THAT INSPECTORS POSSESS A VALID IDAHO JOURNEYMAN CERTIFICATE AND TO PROVIDE THAT INSPECTORS BE CERTIFIED.

HOUSE BILL NO. 476

BY BUSINESS COMMITTEE

AN ACT

RELATING TO THE PLUMBING BOARD FUND; AMENDING SECTION 54-2630, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE PAYMENT OF CERTAIN MONEYS AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 477

BY BUSINESS COMMITTEE

AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-2653, IDAHO CODE, TO PROVIDE FOR A WAIVER, TO REVISE PROVISIONS RELATING TO INSTANCES WHERE THE INSURER SHALL ACCEPT NO NEW MORTGAGE GUARANTY INSURANCE RISKS, TO CORRECT CODIFIER'S ERRORS AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 478

BY BUSINESS COMMITTEE

AN ACT

RELATING TO ENGINEERS AND SURVEYORS; AMENDING SECTION 54-1212, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-1213, IDAHO CODE, TO REMOVE PROVISIONS REQUIRING AN APPLICANT FOR CERTIFICATION AS AN ENGINEER INTERN OR LAND SURVEYOR INTERN TO PROVIDE CERTAIN REFERENCES, TO REMOVE PROVISIONS RELATING TO

FEEES FOR LICENSURE BY EXAMINATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1214, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO WRITTEN EXAMINATIONS; AMENDING SECTION 54-1216, IDAHO CODE, TO REVISE RENEWAL REQUIREMENTS AND EXPIRATION DAYS FOR CERTIFICATES OF AUTHORIZATION ISSUED TO BUSINESS ENTITIES; AMENDING SECTION 54-1220, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY RELATING TO ADMINISTRATIVE PROCEEDINGS; AND AMENDING SECTION 54-1223, IDAHO CODE, TO PROVIDE FOR THE DUTY OF RESPONSIBLE CHARGE OF A PROJECT WHEN A LICENSEE IS NOT AVAILABLE TO SEAL, SIGN AND DATE FINAL DOCUMENTS.

HOUSE BILL NO. 479
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO INCOME TAXATION; TO PROVIDE A SHORT TITLE; TO PROVIDE LEGISLATIVE INTENT; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 47, TITLE 63, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE A VENTURE CAPITAL TAX CREDIT, TO PROVIDE LIMITATIONS AND OTHER PROVISIONS ON CREDITS AGAINST INCOME TAXES, TO PROVIDE RECAPTURE AND TO PROVIDE FOR ADMINISTRATION; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION AND A SUNSET DATE.

[H 473](#), [H 474](#), [H 475](#), [H 476](#), [H 477](#), [H 478](#), and [H 479](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[HCR 36](#), [H 412](#), [H 413](#), [H 414](#), and [H 404](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[H 438](#), by Transportation and Defense Committee, was read the second time by title and filed for third reading.

[H 445](#), by Judiciary, Rules, and Administration Committee, was read the second time by title and filed for third reading.

[H 449](#), [H 450](#), [H 451](#), [H 452](#), and [H 453](#), by Environment, Energy, and Technology Committee, were read the second time by title and filed for third reading.

[H 435](#), by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

There being no objection, the House advanced to the Twelfth Order of Business.

Consideration of General Orders

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Rusche. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Bedke in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

February 4, 2010

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration [H 386](#), [H 391](#), and [H 444](#) and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO H.B. NO. 386

AMENDMENT TO SECTION 4

On page 5 of the printed bill, delete lines 31 and 32 and insert: "declared to exist, Section 1 of this act shall be in full force and effect on and after passage approval and retroactively to January 1, 2008. Sections 2 and 3 of this act shall be in full force and effect on and after passage and approval, and retroactively to January 1, 2010."

HOUSE AMENDMENT TO H.B. NO. 391

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 27, following "consequence" insert: ","; in line 28, delete "a government" and insert: "the federal government of the United States of America"; also in line 28, following "agency" insert: ","; in line 38, following "services" insert: "free from the imposition of penalties, or the threat thereof, by the federal government of the United States of America relating thereto".

On page 2, in line 5, following "threat of penalty" insert: "by the federal government of the United States of America".

HOUSE AMENDMENT TO H.B. NO. 444

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 17, delete "he" and insert: "one (1) of the following applies. He". On page 5, in line 5, delete "which one (1)" and insert: "~~which one~~ whichever of the following applies".

We have also had under consideration [H 405](#), report progress and beg leave to sit again.

BEDKE, Chairman

Mr. Bedke moved that the reported be adopted. Seconded by Mr. Moyle.

Whereupon the Speaker declared the report adopted.

[H 386](#), as amended, [H 391](#), as amended, and [H 444](#), as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

[H 405](#) was retained on General Orders.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

[H 390](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bilbao to open debate.

The question being, "Shall [H 390](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo(Brown), Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Labrador, Palmer. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 390](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 423](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hart to open debate.

The question being, "Shall [H 423](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, Kren, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Patrick, Pence, Raybould, Ringo(Brown), Roberts, Ruchti, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – Durst, King, Pasley-Stuart, Rusche. Total – 4.

Absent and excused – Labrador, Palmer. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 423](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that [H 443](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Friday, February 5, 2010. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:59 a.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk